

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

22

DECISION

TOPIC

Notice of Intended Action – Chapter 106, Deer Hunting by Residents

The Commission is requested to approve the Notice of Intended Action to amend chapter 571 – 106. This rule sets the season dates, shooting hours, licenses types, quotas and restrictions, method of take and tagging and reporting requirements for resident deer hunting. It also includes rules for issuing depredation licenses and shooting permits.

The proposed amendments clarify that it is illegal to carry someone else's license while hunting and changes the closing date for the late muzzleloader season to January 10th. The amendments clarify that youth hunters can continue to use their license if they are unsuccessful as specified in Iowa code 483A.8(7). The amendments implement the changes suggested from a Kaizen event that was held to improve the deer depredation process. The amendments also remove the season extension that was established by emergency rule after the ice storms in 2007, and modify the implementation paragraph.

Based on data survey data received after the publication of this notice, the quotas provided for in the rules may be slightly modified to account for the results of those surveys.

Ken Herring, Administrator
Conservation Recreation Division
March 13, 2008

Attachment: Chapter 106, Deer Hunting by Residents NOIA

NATURAL RESOURCE COMMISSION [571]
Notice of Intended Action

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 571 – 106, “Deer Hunting by Residents,” Iowa Administrative Code. This rule sets the season dates, shooting hours, licenses types, quotas and restrictions, method of take and tagging and reporting requirements for resident deer hunting. It also includes rules for issuing depredation licenses and shooting permits.

The proposed amendments clarify that it is illegal to carry someone else’s license while hunting and changes the closing date for the late muzzleloader season back to January 10th. The amendments clarify that youth hunters can continue to use their license if they are unsuccessful as specified in Iowa code 483A.8(7). The amendments implement the changes suggested from a Kaizen event that was held to improve the deer depredation process. The amendments also remove the season extension that was established by emergency rule after the ice storms in 2007. They also update the implementation paragraph of the rules.

Based on data survey data received after the publication of this notice, the quotas provided for in the rules may be slightly modified to account for the results of those surveys. Any interested person may make written suggestions or comments on the proposed amendments on or before April 29, 2008. Written comments may be directed to the Wildlife Bureau's website at www.iowadnr.gov or may be sent to the Wildlife Bureau Chief, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515) 281-6794. Persons who wish to convey their views orally should contact the Wildlife Bureau at (515) 281-5034 or at the Wildlife Bureau offices on the fourth floor of the Wallace State Office Building. Also, there will be public hearings held at 18 locations via the Iowa Communications Network on April 29, 2008. Interested persons should contact the department at (515) 281-5918 for a list of hearing locations or go to the department's website at www.iowadnr.gov. At the hearings, persons may present their views either orally or in writing. At the hearings, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearings and have special requirements such as those related to hearing or mobility impairments should contact the Department of Natural Resources and request specific accommodations.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.24, 483A.24B, and 483A.24C.

The following amendments are proposed.

ITEM 1. Amend rule 571 – 106.1 as follows:

571-106.1(481A) Licenses. When hunting deer, all hunters must have in their possession a valid deer hunting license and a valid resident hunting license and must have paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person while hunting deer shall carry or have in possession any license or transportation tag issued to another person. No one who is issued a deer hunting license and transportation tag shall allow another person to use or possess that license or transportation tag while deer hunting or tagging a deer.

ITEM 2. Amend subrule 571 – 106.2(3) as follows:

106.2(3) Muzzleloader seasons . Deer may be taken in accordance with the type, season and zone designated on the license from the Saturday closest to October 14 and continuing for nine consecutive days (early muzzleloader season) or from the Monday following the third Saturday in December through January 13 10 of the following year (late muzzleloader season).

ITEM 3. Amend subrule 571 – 106.7(8) as follows:

106.7(8) Hunting from Ground blinds. No person shall use a ~~ground~~ blind for hunting deer during the regular gun deer seasons as defined in 106.2(3), unless such blind exhibits a solid blaze orange marking visible in all directions with a minimum height of 12 inches and a minimum width of 12 inches. Such blaze orange shall be affixed directly on or directly on top of the blind. As used in this subrule, "ground blind" means a constructed place of concealment used for the purpose of hiding a person who is hunting from sight. A ground blind is not a naturally occurring feature that a hunter merely uses for concealment. For the purposes of this rule, the term "blind" is defined as a place of concealment constructed, either wholly or partially from man made materials, which is used for the purpose of hiding a person who is hunting from sight. A blind is not a naturally occurring landscape feature or an arrangement of natural or agricultural plant material that a hunter uses for concealment. In addition to the requirements above, hunters using blinds must also satisfy the requirements of wearing blaze orange as prescribed in Iowa code 481A.122.

ITEM 4. Amend subrule 571 – 106.10(2) as follows:

106.10(2) Season dates. Deer of either sex may be taken statewide for 16 consecutive days beginning on the third Saturday in September. A person who is issued a youth deer hunting license and does not take a deer during the youth deer hunting season may use the deer hunting license and unused tag during the early muzzleloader, late muzzleloader and one of the shotgun seasons. The license will be valid for the type of deer and in the area specified on the original license. A youth hunting in one of these other seasons must obtain a hunting license and habitat stamp or hunt with a licensed adult if required by Iowa Code section 483A.24 . If the tag is filled during one of the seasons, the license will not be valid in subsequent seasons.

ITEM 5. Amend subrule 571 – 106.11(4) as follows:

106.11(4) Depredation permits. Two types of permits may be issued under a depredation management plan.

a. Deer depredation licenses. Deer depredation licenses may be sold to resident hunters only for the regular deer license fee for use during one or more legal hunting seasons. Depredation licenses will be available to producers of agricultural and horticultural crops.

(1) ~~Depredation licenses will be issued in blocks of five licenses up to the number specified in the management plan.~~

(2) A producer who enters into a depredation agreement will be issued a set of authorization numbers. Each authorization number allows a resident hunter to obtain a depredation license. Depredation licenses will only be valid for the taking of antlerless deer. The depredation license is valid only on the land designated in the depredation plan. The producer may transfer the authorization number to a resident hunter that has permission to hunt. The authorization number can be used to obtain a license in any season. The landowner or an eligible family member may obtain one depredation license for each season established by the commission. Depredation licenses may be sold to individuals designated by the producer as having permission to hunt. No

other individual may initially obtain more than three depredation licenses per management plan. When a deer is reported harvested on one of these licenses then another license may be obtained. ~~Licenses will be sold by designated department field employees.~~

(3) Depredation licenses will be valid only for hunting antlerless deer, regardless of restrictions that may be imposed on regular deer hunting licenses in that county.

(4) Hunters may keep any deer legally tagged with a depredation license.

(5) All other regulations for the hunting season specified on the license will apply.

(6) Depredation licenses will be valid only on the land where damage is occurring and the immediately adjacent property unless the land is within a designated block hunt area as described in subparagraph

(7). Other parcels of land in the farm unit not adjacent to the parcels receiving damage will not qualify.

(7) Block hunt areas are areas designated and delineated by wildlife biologists of the wildlife bureau to facilitate herd reduction in a given area where all producers may not qualify for the depredation program or in areas of persistent deer depredation. Depredation permits issued to producers within the block hunt zone are valid on all properties within the delineated boundaries. Individual landowner permission is required for hunters utilizing depredation licenses within the block hunt boundaries. Creation of a given block hunt area does not authorize trespass.

b. Deer shooting permits. Permits for shooting deer outside an established hunting season may be issued to producers of high-value horticultural crops when damage cannot be controlled in a timely manner during the hunting seasons (such as late summer buck rubs in an orchard and winter browsing in a Christmas tree plantation) and to other agricultural producers who have an approved DNR deer depredation plan, and on areas such as airports where public safety may be an issue.

(1) Deer shooting permits will be issued at no cost to the applicant.

(2) The applicant or one or more designees approved by the department may take all the deer specified on the permit.

(3) Permits available to producers of high-value horticultural crops or agricultural crops may be valid for taking deer outside of a hunting season depending on the nature of the damage. The number and type of deer to be killed will be determined by a department depredation biologist and will be part of the deer depredation management plan.

(4) Permits issued due to public safety concerns may be used for taking any deer, as necessary, to address unpredictable intrusion which could jeopardize public safety. Permits may be issued for an entire year (January 1 through December 31) if the facility involved ~~maintains a deerproof fence and~~ signs an agreement with the department.

(5) Disposal of deer killed under these permits shall be coordinated with the local conservation officer. All deer killed must be recovered and processed for consumption. A person who harvests a deer with a shooting permit issued pursuant to this section shall utilize the deer harvest reporting system and shall not be subject to different disposal or reporting requirements than are applicable to the harvest of deer pursuant to other deer hunting licenses except that all antlers from any deer taken must be turn over to a conservation officer to be disposed of according to department rules.

(6) The times, dates, place and other restrictions on the shooting of deer will be specified on the permit.

(7) ~~Antlers from all deer recovered must be turned over to the conservation officer to be disposed of according to department rules.~~

(8) For out-of-season shooting permits there are no shooting hour restrictions; however, taking deer with an artificial light is prohibited by Iowa Code section 481A.93 .

c. Depredation licenses and shooting permits will be issued in addition to any other licenses for which the hunters may be eligible.

d. Depredation licenses and shooting permits will not be issued if the producer restricts the legal take of deer from the property sustaining damage by limiting hunter numbers below levels required to control the deer herd. This restriction does not apply in situations where permits are issued for public safety concerns.

ITEM 6. Strike subrule 571 – 106.11(5):

~~106.11(5) Disposal. It shall be the producer's responsibility for shooting permits to see that all deer are field dressed and removed immediately from the field. Dead deer must be handled for consumption, and the producer must coordinate through the local conservation officer the disposal of deer offered to the public. Charitable organizations will have the first opportunity to take deer offered to the public. No producer shall keep more than two deer taken under depredation shooting permits. By express permission from a DNR enforcement officer, the landowner may dispose of deer carcasses through a livestock sanitation facility.~~

ITEM 7. Strike rule 571 – 106.14 :

~~106.14(481A) Extension to the regular gun seasons. To obtain an adequate deer harvest, the 2007 regular gun seasons are extended. Hunters with deer licenses that were valid for the 2007 regular gun seasons are allowed to hunt deer from December 21, 2007, through December 23, 2007. All licenses, no matter the type originally issued, are valid for taking antlerless deer only. No person while hunting deer shall carry or have in possession any license or transportation tag issued to another person. Shooting hours, limits, areas closed to hunting, method of take, and tagging and reporting requirements are the same as during the regular gun seasons.~~

ITEM 8. Amend 571 – 106 implementation paragraph, as follows:

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, and 483A.24, 483A.24B, and 483A.24.

Date

Richard A. Leopold, Director

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